



02-22-01

Dep & Ref Room 307

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Express Mail No.: EL 501 637 132 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al.

Application No.: 09/716,960

Group Art Unit: To be assigned

Filed: November 21, 2000

Examiner: To be assigned

For: MODULATION OF EXCITABLE TISSUE
FUNCTION BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

Attorney Docket No.: 10165-009-999

**PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115
AND REQUEST TO ESTABLISH SMALL ENTITY STATUS**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to Rule 115 of the Rules of Practice, please consider the remarks below. Applicants transmit herewith: 1) an Application Data Sheet indicating the inventor and priority information of the above-identified application; 2) a copy of the Power of Attorney as it appears in the original papers in the prior application no. 09/547,220, filed April 11, 2000; 3) a copy of the assignment of the prior application, which assigns the Applicants' entire rights, title and interest in the instant application to The Kenneth S. Warren Laboratories, recorded on 06/13/00 at Reel 010887, Frame 0963; and 4) a copy of an original Verified Statement Claiming Small Entity Status for The Kenneth S. Warren Laboratories is also transmitted herewith. Also filed concurrently herewith is an Information Disclosure Statement under 37 C.F.R. § 1.56 and § 1.97 and a Request for Refund pursuant to 37 C.F.R. § 1.28(a).

The Kenneth S. Warren Laboratories qualifies as a Small Entity under 37 C.F.R. §§ 1.9(f) and 1.27(d). In support of this verification a copy of the assignment assigned

of record to The Kenneth S. Warren Laboratories, on June 13, 2000, at Reel 010887, Frame 0963.

It is respectfully requested that the enclosed documents be entered into the file of the above-identified application, and that the application be accorded Small Entity Status in accordance with 37 C.F.R. §§ 1.9(f) and 1.27(d). Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: February 21, 2001

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Enclosures